

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division



UNITED STATES OF AMERICA)
)
v.) Case No. 1:18-mj-392
)
JOSEPH HALL III,) The Honorable Ivan D. Davis
)
Defendant.)

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Jose J. Oquendo, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I have been a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") since 2014. I have experience investigating narcotics and firearms trafficking offenses.
2. This affidavit is submitted in support of a criminal complaint charging that Joseph HALL III did knowingly possess a firearm as a convicted felon, in violation of Title 18, United States Code, Section 922(g)(1). The facts and information contained in this affidavit are based upon my personal knowledge of the investigation and information conveyed to me by other state and federal law-enforcement officers. All observations made or information obtained not personally by me were relayed to me by the individuals who made them or obtained the information or are based upon my review of reports, documents, records, and other physical evidence obtained during the course of this investigation. This affidavit contains the information necessary to establish probable cause but does not include each and every fact known by me or known by the government.

3. The facts and information contained in this affidavit are based on my personal knowledge and information obtained from federal and state law enforcement officers. All observations referenced in this affidavit that were not personally made by me were relayed to me by the person(s) who made such observations or in reports that detailed the events described by that person(s).

PROBABLE CAUSE

4. On December 6, 2017, ATF executed a Federal Search Warrant at an address on Cooktown Road in Spotsylvania, Virginia, where an individual named RASHOURN NILES had been surveilled numerous times. NILES was a known distributor of large quantities of cocaine base, and law enforcement recovered a Hi-point (Iberia Firearms), Model JCP, .40 caliber pistol, SN# X7264761 (hereinafter referred to as Firearm 1) during the search.

5. On December 19, 2017, I reviewed an ATF Firearms Trace Summary report that showed Firearm 1 was purchased by TRAVAUN CHRISTOPHER DAVIS (“DAVIS”) on November 9, 2017 from RWH Industries/Hall Precision located in Fredericksburg, VA. RWH is a federally licensed firearms dealer (FFL) in the Eastern District of Virginia. On the Form 4473, DAVIS provided “502 Greenbrier Dr., Fredericksburg, VA 22401” as his current residence at the time of the firearm purchase. After speaking to the previous resident and current resident of 502 Greenbrier Drive, I have learned that DAVIS has not lived at that address since February 2016.

INTERVIEW OF WITNESS 1

6. On January 4, 2018, law enforcement interviewed WITNESS 1 at the Rappahannock Regional Jail located in Stafford, VA. WITNESS 1 is a six-time convicted felon,

whose convictions include possession of cocaine with intent to distribute, identity fraud, grand larceny, two probation violations, and failure to appear in court. WITNESS 1 stated SHANE LUCAS had been living at the residence on Cooktown Road, where Firearm 1 was recovered, since June 2017. WITNESS 1 stated that Firearm 1 belonged to the LUCAS and that LUCAS traded narcotics for Firearm 1.

INTERVIEW OF LUCAS

7. On January 11, 2018, law enforcement interviewed LUCAS at his residence in Fredericksburg, VA. LUCAS is a four-time convicted felon, whose convictions include transporting a controlled substance to a prisoner while confined, distribution of cocaine, and possession of cocaine. Law enforcement read LUCAS his *Miranda* rights and LUCAS verbally waived his rights. LUCAS stated he did not live at the residence at Cooktown Road, and that he would go to visit WITNESS 1, who lived at the residence. Law enforcement asked LUCAS about Firearm 1. LUCAS initially stated that he had not seen Firearm 1 at the residence on Cooktown Road. However, he later admitted that he had purchased Firearm 1 for NILES. LUCAS stated that he had bought Firearm 1 from Michael CONWAY for a quarter-ounce of cocaine. LUCAS stated that CONWAY was selling the firearm on behalf on another person.

JAIL CALLS REVIEWED

8. On January 13, 2018, law enforcement reviewed CONWAY's jail calls from the Rappahannock Regional Jail, where CONWAY was incarcerated pending local charges. CONWAY had contacted LUCAS, and LUCAS had asked CONWAY where he had obtained Firearm 1. CONWAY stated that he obtained Firearm 1 from Joseph HALL.

INTERVIEW OF TRAVAUN DAVIS

9. On February 15, 2018, law enforcement interviewed DAVIS in Fredericksburg, VA. Law enforcement introduced themselves as ATF Special Agents and stated to DAVIS that they would like to talk to him about Firearm 1. Law enforcement advised DAVIS that he was not under arrest. Nonetheless, the Special Agents advised DAVIS of his *Miranda* rights and asked DAVIS if he understood his rights. DAVIS replied that he did and agreed to talk to the Special Agents. DAVIS stated that he had heard that JOSEPH HALL had stolen Firearm 1 out of his (DAVIS's) vehicle. HALL is a two-time convicted felon, with one felony conviction on June 9, 2014 in Spotsylvania County Circuit Court for larceny and a second felony conviction on March 31, 2015 in the same court for a probation violation. Law enforcement asked DAVIS if he had reported the theft from his vehicle, and DAVIS responded no.

10. The Special Agents also showed DAVIS a copy of the ATF Form 4473 that DAVIS had signed when he had purchased Firearm 1. The Special Agents asked DAVIS if he recognized the form and remembered signing it, to which DAVIS replied yes. DAVIS stated that a couple weeks after the purchase, Firearm 1 was stolen.

11. The Special Agents advised DAVIS that lying to a federal agent is a federal offense, and DAVIS stated he understood. The Special Agents asked DAVIS if he had sold the firearm to HALL, and DAVIS responded no. Then, DAVIS showed law enforcement a Facebook Messenger message from HALL. The message had a picture of what appeared to be Firearm 1 with a loaded magazine next to it.

SECOND INTERVIEW OF TRAVAUN DAVIS

12. On April 5, 2018, ATF Special Agents again interviewed DAVIS at Rappahannock Regional Jail located in Stafford, VA, where DAVIS was being detained on felony larceny charges from Georgia. Special Agents read DAVIS his *Miranda* rights, and DAVIS verbally waived his rights.

13. DAVIS reiterated that HALL had stolen Firearm 1. Special Agents asked if HALL had ever asked DAVIS for a firearm. DAVIS stated that HALL wanted DAVIS to sell him a firearm, but DAVIS had refused. The Special Agents asked DAVIS how he communicated with HALL. DAVIS said through Facebook.

SEARCH OF DAVIS'S FACEBOOK ACCOUNT

14. On April 27, 2018, ATF obtained a federal search warrant for DAVIS's Facebook accounts, "travaun.davis" and "travaun.davis.50." Special Agents reviewed the records provided by Facebook, which stated that on November 13, 2017, DAVIS and HALL started communicating by messenger thread number 10203893337129411. HALL used a screen name of "Blow Tha Jackman." DAVIS sent HALL a photograph of what appeared to be Firearm 1, which DAVIS had previously shown to Special Agents. DAVIS stated that he "got this joint for 190" and added "S&W 40." HALL sent photographs of a shirt, shoes and a belt, along with a receipt from Neiman Marcus for men's shoes with a total price of \$948.70. HALL asked DAVIS what he would trade for Firearm 1. DAVIS stated he would like "the top joint the hoodie and belt." HALL and DAVIS continued to send photographs of shoes and belts. DAVIS and HALL continued to negotiate on the price for Firearm 1. DAVIS agreed to sell the firearm to HALL for \$25 and size 12 shoes.

SEARCH OF HALL'S FACEBOOK ACCOUNT

15. On May 24, 2018, ATF obtained a federal search warrant for HALL's Facebook account "jody.l.hall.9." Special Agents reviewed the records obtained from Facebook, and saw that HALL and CONWAY started communicating by messenger thread number 10202913707878292. CONWAY was using the screen name of "Bragghill Mike," and Special Agents confirmed CONWAY's identity through an open source review of his Facebook account.

16. On October 30, 2017, HALL provided CONWAY with his phone number to conduct a possible narcotics sale. HALL stated to CONWAY that a "Vick's 25." Through my training and experience, I know that a "Vick" stands for 7 grams, or a quarter-ounce, of narcotics. CONWAY later stated that he would be purchasing a "Vick."

17. On November 16, 2017, HALL sent the same photograph of Firearm 1 to CONWAY that DAVIS had previously sent to HALL and stated that Firearm 1 was for sale. CONWAY asked the price of the firearm, and HALL stated \$200. CONWAY stated that he could purchase the firearm for \$160 and HALL responded with "160 and a gram." I believe a "gram" refers to a gram of narcotics. CONWAY stated that he could not buy the firearm, and HALL revised the price to \$160, to which CONWAY agreed. CONWAY and HALL agreed to meet at the "Field," which I believe refers to the Mayfield area of Fredericksburg, VA. HALL stated that he was on the way to meet CONWAY.

SEARCH OF HALL'S RESIDENCE

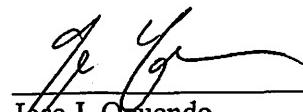
18. On August 1, 2018, the Honorable Theresa Carroll Buchanan, Magistrate Judge, Eastern District of Virginia, issued a search warrant for HALL's residence.

19. On August 10, 2018, law enforcement agents executed the search warrant. A K9 officer alerted to the presence of narcotics in one of the rooms, believed to be HALL's bedroom. The K9 officer also alerted to the presence of narcotics in one of the three vehicles outside of HALL's residence. Law enforcement did not locate narcotics during the search. Law enforcement took HALL into custody following the search.

CONCLUSION

20. Based upon the foregoing, I submit there is probable cause to conclude that in or around November, 2017, in Fredericksburg, Virginia, within the Eastern District of Virginia, HALL did knowingly possessed a firearm in violation of Title 18, United States Code, Section 922(g)(1).

Respectfully submitted,



Jose J. Oquendo
Special Agent, ATF

Subscribed and sworn to before me on August 11, 2018, at Alexandria, Virginia:



The Honorable Ivan D. Davis
UNITED STATES MAGISTRATE JUDGE